

REMARKS

Claims 54 and 100 are pending.

Claims 1-53 and 55-99 are cancelled.

The Examiner noted that previously canceled claims were identified in the last response as being “withdrawn” and noted its impropriety.

Claims 85-99 are now identified as canceled.

Claims 5,6,9,12-15,40,44-53 and 100 stand rejected under 35 USC 103, as being unpatentable over Tolson (USP 6,217,581) in view of Scales (4,405,249) and Jacques (USP 1,894,274).

Applicants have cancelled all of these claims except for claim 100. Respecting claim 100, Applicants reiterates that the claimed invention recites injecting bone cement into a vertebral body from a device having both a reservoir and an injection chamber. None of the cited references discloses injecting bone cement into a vertebral body. Therefore, the cited references can not be combined to produce the claimed invention. Moreover, none of the prior art devices used in vertebroplasty comprised both reservoirs and injection chambers. Rather, these vertebroplasty devices were single barrel devices that could not provide the small, discrete injections desirable for controlling injection volume in vertebroplasty procedures. Applicants further note that, in providing the reasoning for the Final rejection, the Examiner did not appear to respond to Applicants argument related to claim 100. Accordingly, the present rejection should be withdrawn.

Claims 5,6,9,12-15,33,34,40,44-53,59-62,79-81 and 100 further stand rejected under 35 USC 103, as being unpatentable over Tolson (USP 6,217,581) in view of Scales (4,405,249) and Stamper (USP 1,894,274).

Applicants have cancelled all of these claims except for claim 100. Respecting claim 100, Applicants reiterates the argument made directly above. Accordingly, the present rejection should be withdrawn.

Claims 7,82 and 83 stand rejected under 35 USC 103, as being unpatentable over Tolson (USP 6,217,581) in view of Scales (4,405,249) and Jacques (USP 1,894,274), as applied above with respect to these claims and further in view of

Phillips (USP 4,717,383)(piston with O-ring); Draenert (USP 4,671,263)(O-ring); and Hauke (USP 5,551,778 (seal)).

Applicants have cancelled all of these claims, and so the present rejection should be withdrawn.

The Examiner noted that claim 54 is objected to as being dependent upon a rejected base claims but would be allowable if rewritten in independent form to include all of the limitations of the claims from which it depends.

Applicants are appreciative of the determination of the allowability of claim 54 and have rewritten in independent form to include all of the limitations of the claims from which it depends.

In addition, Applicants respectfully request the Examiner to charge any further fees which may be due to Deposit Account No. 10-0750, but do not include any payment of issue fees.

Should there be any remaining or further questions, the Examiner is requested to place contact the undersigned directly.

Respectfully submitted,



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